

GERSCHEFSKE et al. -- 10/743,255
Client/Matter: 060012-0307440

REMARKS

By this Amendment, claims 22-38 are pending with claims 29-38 being newly added. Reconsideration of the outstanding Office Action is respectfully requested.

Objections

In paragraph 1 of the Office Action, claim 23 has been objected to. In response, claim 23 has been amended to correct the typographical error. Withdrawal of the objection is respectfully requested.

Double Patenting

In paragraph 2 of the Office Action, claims 22-38 are rejected under the doctrine of nonstatutory double patenting over claims 1-29 of U.S. 6669609. In response a Terminal Disclaimer is submitted herewith. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections

In paragraphs 5 and 7 of the Office Action, claims 22-28 are rejected in view of prior art. These rejections are respectfully traversed in view of the amendment to claim 22. In particular, none of the prior art discloses or suggests an exerciser as now claimed with upper and lower user interconnecting structures. Accordingly, withdrawal of the rejections is respectfully requested.

New Claims

New claims 29-38 have been added and are allowable over the prior art of record.

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All outstanding matters being addressed and all claims being allowable, the application is deemed to be in allowable form. Favorable reconsideration is respectfully requested.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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